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RIGHTS OF THE CHILD

Argentina, Australia*, Austria, Bangladesh, Belgium*, Brazil, Canada, Cape Verde, Chile, Colombia, Costa Rica*, Cuba, Cyprus*, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland*, France, Germany, Greece*, Guatemala*, Iceland*, Ireland, Israel*, Italy, Liechtenstein*, Luxembourg*, Mexico, Netherlands, Nicaragua, Norway*, Paraguay*, Peru*, Poland*, Portugal*, Romania*, San Marino*, Slovakia*, Slovenia*, South Africa, Spain*, Sweden*, Switzerland*, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela* and Zambia: draft resolution

1997/... Rights of the Child

The Commission on Human Rights,

Recalling its resolution 1996/85 of 24 April 1996 and General Assemb resolutions 51/76 and 51/77 of 12 December 1996 and the Declaration and Pl of Action adopted by the World Summit for Children in 1990 and reaffirming Vienna Declaration and Programme of Action, which states that national and international mechanisms and programmes for the defence and protection of children, in particular those in especially difficult circumstances, should strengthened, including through effective measures to combat exploitation a

* In accordance with rule 69, paragraph 3, of the rules of procedure the functional commissions of the Economic and Social Council.

abuse of children such as female infanticide, harmful child labour, sale of children and organs, child prostitution and child pornography as well as other forms of sexual abuse,

Taking note of the work carried out by:

(a) The Committee on the Rights of the Child;

(b) The United Nations Children's Fund;

(c) The Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography;

(d) The expert approved by the Secretary-General to undertake a study on the impact of armed conflict on children;

(e) The working groups on draft optional protocols to the Convention on the Rights of the Child, one relating to the involvement of children in armed conflict, and one relating to the sale of children, child prostitution and child pornography;

(f) Other relevant bodies and organizations of the United Nations system, regional organizations, intergovernmental and non-governmental organizations and institutions for the promotion and protection of the rights of the child;

and encouraging the establishment of bodies and institutions, both governmental and non-governmental, to monitor, carry out or support activities in favour of children,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of poverty, inadequate social and economic conditions, natural disasters, armed conflicts, displacement, economic and sexual exploitation, illiteracy, hunger, intolerance and disability, and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Recognizing that legislation alone is not enough to prevent violations of the rights of the child, that stronger political commitment is needed and that Governments should implement their laws and complement legislative measures with effective action, inter alia in the fields of law enforcement and in the administration of justice, and in social, educational and public health programmes,

Recommending that within their mandates, all relevant human rights mechanisms and all other relevant organs and mechanisms of the United Nations system and the supervisory bodies of the specialized agencies pay attention to particular situations in which children are in danger and where their rights are violated and that they take into account the work of the Committee on the Rights of the Child,

Reaffirming that the best interests of the child shall be a primary consideration in all actions concerning children,

I

Implementation of the Convention on the Rights of the Child

1. Welcomes:

(a) The nearly universal ratification of and accession by States to the Convention on the Rights of the Child, and urges those States that have not yet done so to sign and ratify or accede to the Convention as a matter of priority;

(b) The constructive role of the Committee on the Rights of the Child in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation;

2. Calls upon States parties:

(a) To implement fully the Convention, to cooperate closely with the Committee on the Rights of the Child and to comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated by the Committee;

(b) To withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations;

(c) To accept the amendment to paragraph 2 of article 43 of the Convention, which would increase the membership of the Committee on the Rights of the Child from 10 to 18 experts;

(d) And organs and bodies of the United Nations, within the scope of their respective mandates, as well as intergovernmental and non-governmental organizations, the media and the community at large, to make the principles and provisions of the Convention widely known to adults and children alike in

accordance with article 42 and to encourage training on the rights of the child for those involved in activities concerning children, for example through the programme of advisory services and technical cooperation in the field of human rights;

3. Decides, with regard to the Committee on the Rights of the Child, to request the Secretary-General to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee, while noting the Plan of Action of the High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child;

II

The girl child

4. Reaffirms the fundamental principle set forth in the Vienna Declaration and Programme of Action and in the Beijing Declaration and Platform for Action that the human rights of women and girls are an inalienable, integral and indivisible part of universal human rights;

5. Calls upon all States:

(a) To take all necessary measures and to institute legal reforms to ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, and to take effective action against violations of those rights and freedoms;

(b) And international and non-governmental organizations, individually and collectively, to set goals and to develop and effectively implement gender-sensitive strategies to address the rights and needs of children, in accordance with the Convention on the Rights of the Child, and to take into account the rights and particular needs of girls, especially in education, health and nutrition, and to eliminate negative cultural attitudes and practices against girls;

(c) To eliminate all forms of discrimination against girls and the root causes of son preference, which result in harmful and unethical practices, inter alia by enacting and enforcing legislation and protecting girls from violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse and exploitation, and by developing age-appropriate, safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

III

Prevention and eradication of the sale of children, and of their sexual exploitation and abuse, including child prostitution and child pornography

6. Welcomes:

(a) The report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1997/95 and Add.1-2);

(b) The report of the working group on the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on its third session (E/CN.4/1997/97);

(c) The measures taken by Governments to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

(d) The adoption and dissemination of the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children (see A/51/385);

7. Calls upon all States:

(a) To urgently develop, implement and enforce measures to eliminate the sale of children and their sexual exploitation, inter alia through child sex tourism and other forms of child prostitution and child pornography, including measures in line with the Vienna Declaration and Programme of Action and with those outlined in the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children;

(b) To participate constructively in the negotiations on an optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography with the aim of an early agreement on the text;

(c) To criminalize effectively commercial and all other forms of sexual exploitation of children, while ensuring that child victims are not penalized for such practices, and to prosecute offenders, whether local or foreign, and to ensure that a person who exploits a child for sexual abuse in another country is prosecuted by competent national authorities, either in the offender's country of origin or in the destination country;

(d) To step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to combating the

existence of a market that encourages such criminal practices against children and dismantling national and international networks trafficking in children;

(e) And relevant United Nations bodies and agencies to allocate resources for comprehensive and gender-sensitive programmes to rehabilitate child victims of trafficking and all forms of sexual exploitation and abuse, and to promote their physical and psychological recovery and social reintegration;

(f) To work towards strengthening partnerships between Governments, international organizations and all sectors of civil society, particularly non-governmental organizations, in order to achieve these objectives, and welcomes the efforts already made in this respect;

(g) To cooperate with and assist the Special Rapporteur and to furnish all information requested, including by inviting her for country visits;

8. Decides, with regard to the Special Rapporteur on the sale of children, child prostitution and child pornography:

(a) To request the Secretary-General to provide the Special Rapporteur with all necessary assistance and to urge all relevant parts of the United Nations system to provide the Special Rapporteur with comprehensive reporting to make the full discharge of her mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-second session and a report to the Commission at its fifty-fourth session;

(b) To invite the Special Rapporteur to continue to cooperate closely with other relevant United Nations organs and bodies and to convey her findings to the Commission on Human Rights;

9. Decides, with regard to the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography:

(a) To request the Secretary-General to transmit the report of the working group on the question of a draft optional protocol to Governments, relevant specialized agencies, the Committee on the Rights of the Child, the relevant Special Rapporteur and intergovernmental and non-governmental organizations and to invite their comments in time for circulation prior to the next session of the working group, and invites the Committee on the Rights of the Child to consider being represented and the Special Rapporteur to consider being present at the next session of the working group;

(b) To request the working group on the question of a draft optional protocol on the sale of children, child prostitution and child pornography to meet for a period of two weeks, or less if possible, prior to the next session of the Commission, in order to finalize the draft optional protocol before the tenth anniversary of the Convention on the Rights of the Child;

IV

Protection of children affected by armed conflict

10. Welcomes:

(a) The final report of the expert appointed by the Secretary-General to undertake a study on the impact of armed conflict on children (A/51/306 and Add.1), takes notes with appreciation of the recommendations included therein, and requests the Secretary-General to ensure its wide dissemination;

(b) The recommendation by the General Assembly to the Secretary-General to appoint a special representative on the impact of armed conflict on children and to ensure the necessary support to the prospective special representative;

(c) The report of the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on its third session (E/CN.4/1997/96)

11. Calls upon all States:

(a) To consider acceding to relevant international human rights and humanitarian law instruments, and urges them to implement those instruments to which they are parties;

(b) To participate constructively in the negotiation on an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict with the aim of an early agreement on the text;

(c) In accordance with the norms of international humanitarian law, to integrate in their military programmes, including those for peacekeeping, instruction on responsibilities towards the civilian population, particularly women and children;

(d) And relevant United Nations bodies, including the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, to contribute on an ongoing basis to international mine clearance efforts and urges States to take further action to promote gender- and age-appropriate mine-awareness programmes and child-centred rehabilitation, thereby reducing the number and

the plight of child victims, and welcomes international efforts aimed at restricting and prohibiting the indiscriminate use of anti-personnel mines;

12. Calls upon all States and other parties to armed conflict:

(a) To respect international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and the Additional protocols thereto of 1977, while bearing in mind resolution 2 of the twenty-sixth International Conference of the Red Cross and Red Crescent, and to respect the provisions of the Convention on the Rights of the Child which accord children affected by armed conflict special protection and treatment;

(b) To end the use of children as soldiers and to ensure their demobilization as well as the reintegration into society of child soldiers, child victims in cases of armed conflict or foreign occupation, including victims of land-mines and all other weapons, and victims of gender-based violence, inter alia, through adequate education and training, and invites the international community to assist in this endeavour;

(c) As well as United Nations agencies to ensure access of humanitarian aid and assistance to children affected by armed conflicts;

13. Reaffirms:

(a) That rape in the conduct of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide, and calls upon all States to protect women and children from gender-based violence, including rape, sexual exploitation and forced pregnancy, and to strengthen mechanisms to investigate and prosecute perpetrators;

(b) That all humanitarian responses in conflict situations should emphasize the special reproductive health needs of women and girls, including those that arise from pregnancy as a result of rape, sexual mutilation, childbirth at an early age or infection with sexually transmitted diseases, as well as HIV/AIDS and access to family planning services;

(c) The importance of preventive measures such as early-warning systems, preventive diplomacy and education for peace to prevent conflicts and their negative impact on the enjoyment of the rights of the child, and urges Governments and the international community to promote sustainable human development;

(d) The importance of special attention for children in situations of armed conflict, including in the areas of health and nutrition, education and social reintegration, in developing emergency and other humanitarian assistance policies and programmes and of enhanced coordination and cooperation throughout the United Nations system to this end;

(e) Its support for the recommendations of the General Assembly and the International Conference of the Red Cross and Red Crescent concerning the assessment and monitoring of the consequences of sanctions upon children, as well as those concerning humanitarian relief;

14. Decides, with regard to the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict:

(a) To request the Secretary-General to transmit the report of the working group on this draft optional protocol to Governments, relevant United Nations bodies and specialized agencies, the Committee on the Rights of the Child, the prospective special representative on the impact of armed conflict on children and intergovernmental and non-governmental organizations, and to invite their comments in time for circulation prior to the next session of the working group, and invites the International Committee of the Red Cross and the Committee on the Rights of the Child to consider being represented and the prospective special representative to consider being present at the next session of the working group on a draft optional protocol on the involvement of children in armed conflict;

(b) To request the working group on a draft optional protocol on the involvement of children in armed conflict to meet for a period of two weeks, or less if possible, prior to the next session of the Commission in order to finalize the draft optional protocol;

(c) To request the Secretary-General, in cooperation with Member States, international organizations and relevant non-governmental organizations to consider modalities for organizing regional training programmes for members of the armed forces relating to the protection of children and women during armed conflicts;

15. Decides, with regard to the prospective special representative of the Secretary-General on the impact of armed conflict on children, to invite

Member States, United Nations organs and bodies, the International Committee of the Red Cross as well as other relevant intergovernmental and non-governmental organizations to contribute to the work of the special representative, including his/her annual report;

V

Refugee and internally displaced children

16. Calls upon all States:

(a) To protect refugee and internally displaced children, including through policies for their care, well-being and development, with the necessary international cooperation, in particular with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the International Committee of the Red Cross;

(b) United Nations bodies and other agencies to ensure the early identification and registration of unaccompanied refugee and internally displaced children, to give priority to programmes for family tracing and reunification, and to continue monitoring the care arrangements for unaccompanied refugee and internally displaced children;

(c) And other parties to armed conflicts to recognize the particular vulnerability of refugee and internally displaced children to recruitment into armed forces and to sexual violence, exploitation and abuse, stresses the special vulnerability of child-headed households and calls upon Governments and United Nations bodies to give these situations urgent attention and to enhance protection and assistance mechanisms;

(d) To involve women and youth in the design, delivery and monitoring of measures to protect them against sexual violence and recruitment of children into armed forces;

VI

Elimination of the exploitation of child labour

17. Welcomes:

(a) Recent studies and reports by the United Nations Children's Fund and the International Labour Organization;

(b) The measures taken by Governments to eliminate the exploitation of child labour, while recalling the Programme of Action for the Elimination of

the Exploitation of Child Labour, and calls upon relevant United Nations agencies, in particular the United Nations Children's Fund and the International Labour Organization, to continue to support national efforts in this regard;

(c) The governmental initiatives to convene international conferences on various forms of child labour, such as the ones held in Amsterdam, the Netherlands, in February 1997 and in Arusha, United Republic of Tanzania, in March 1997 and the ones to be convened in Cartagena, Colombia, in May 1997 and in Oslo in October 1997;

(d) The efforts by the Committee on the Rights of the Child in the area of child labour, takes note of its recommendations and encourages the Committee as well as other relevant human rights treaty bodies, within their respective mandates to continue to monitor this growing problem when examining reports of States parties;

18. Calls upon all States:

(a) That have not yet done so to consider ratifying the conventions of the International Labour Organization relating to the elimination of the exploitation of child labour, in particular those concerning the abolition of forced labour and the minimum age for employment, including for particularly hazardous work for children, and to implement those conventions, and urges them, as a matter of priority, to eliminate all extreme forms of child labour, such as forced labour, bonded labour and other forms of slavery;

(b) To take the necessary legislative, administrative, social and educational measures to provide for a minimum age or minimum ages for admission to employment, appropriate regulation of the hours and conditions of employment, and appropriate penalties or other sanctions to ensure their effective enforcement and to ensure the protection of children from economic exploitation, in particular protection from performing any work that is likely to be hazardous or to interfere with the child's education, or harmful to the child's health or development;

(c) In line with international commitments made at the World Summit for Social Development and other relevant United Nations conferences, to set specific target dates for eliminating all forms of child labour that are contrary to accepted international standards and for ensuring the full

enforcement of relevant existing laws and, where appropriate, enacting legislation necessary to implement their obligations under the Convention on the Rights of the Child and International Labour Organization standards ensuring the protection of working children;

(d) To translate into concrete action their commitment to the progressive and effective elimination of all forms of exploitative child labour, starting with its most intolerable forms, and to implement, inter alia, national action plans, the resolution on the elimination of child labour adopted by the International Labour Conference at its eighty-third session in 1996 and other relevant resolutions on the subject adopted by the General Assembly and the Commission on Human Rights;

(e) To support the proposed drafting by the International Labour Organization of an instrument aimed at eradicating the most intolerable forms of child labour;

(f) To recognize the right to education by making primary education compulsory and ensuring that all children have access to free primary education as a key strategy to prevent child labour;

(g) To systematically assess and examine, in close cooperation with international organizations such as the International Labour Organization and the United Nations Children's Fund, the magnitude, nature and causes of the exploitation of child labour, and to develop and implement strategies for combating these practices, including attention to specific dangers faced by girls;

(h) To strengthen international cooperation, inter alia, through the United Nations programme of advisory services in the field of human rights, the International Programme on the Elimination of Child Labour of the International Labour Organization and activities of the United Nations Children's Fund, as a means of assisting Governments in preventing or combating violations of the rights of the child, including the exploitation of child labour;

19. Decides to request the Secretary-General, when reporting on the implementation of General Assembly resolution 51/77, to cooperate closely with relevant actors and United Nations specialized agencies, in particular the

International Labour Organization and the United Nations Children's Fund, in order to provide information on initiatives aimed at eliminating the exploitation of child labour and to recommend ways and means to improve cooperation at the national and international levels in this field;

VII

The plight of street children

20. Calls upon:

(a) All States, while expressing grave concern at the growing number of incidents worldwide and at reports of children working or living on the street being involved in and affected by serious crime, drug abuse, violence and prostitution, to continue actively to seek comprehensive solutions to the problems of children on the street, while emphasizing that strict compliance with obligations under relevant international human rights instruments, including the Convention on the Rights of the Child, constitutes a significant step towards solving the problems of street children;

(b) All States to ensure the reintegration of street children into society and to provide, inter alia, adequate nutrition, shelter, health care and education, taking into account that such children are particularly vulnerable to all forms of abuse, exploitation and neglect, and encourages States to take the situation of street children fully into account in preparing their reports to the Committee on the Rights of the Child;

(c) All States to guarantee respect for all human rights and fundamental freedoms, particularly the right to life, and to take urgent and effective measures to prevent the killing of street children and to combat torture and violence against them, and to ensure that legal and juridical processes respect children's rights in order to protect them against arbitrary deprivation of liberty, maltreatment or abuse;

(d) The international community to support, through effective international cooperation, the efforts of States to improve the situation of children in need of special protection measures, including in urban settlements in accordance with the Habitat Agenda adopted at the United Nations Conference on Human Settlements, held in Istanbul in June 1996;

VIII

21. Decides:

(a) To request the Secretary-General to follow up the recommendation by the General Assembly to appoint for a period of three years a special representative on the impact of armed conflict on children;

(b) Also to request the Secretary-General to submit to the Commission at its fifty-fourth session a report on the status of the Convention on the Rights of the Child;

(c) To continue its consideration of the question at its fifty-fourth session under the agenda item entitled "Rights of the child".

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